



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

New York Regional Office
Three World Financial Center
New York, NY 10281

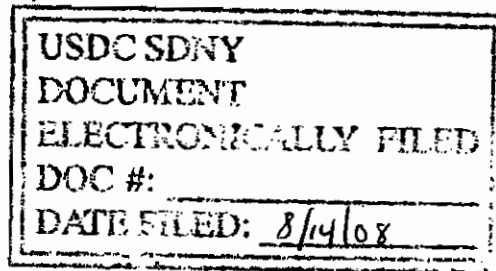
DIVISION OF
ENFORCEMENT

Alexander M. Vasilescu
Regional Trial Counsel
(212) 338-0178 (direct)
(212) 338-1324 (fax)

August 14, 2008

By FAX 212 805 7906

Hon. Denny Chin
United States District Court
Southern District of New York
500 Pearl Street, Room 1020
New York, NY 10007



**Re: S.E.C. v. Steven Byers, Joseph Shereshevsky,
Wextrust Capital LLC, et al.,
Index No. 08 Civ. 07104 (DC)**

Dear Judge Chin:

We represent plaintiff Securities Exchange Commission (the "SEC") in the above-captioned matter in which the Court has a preliminary injunction hearing scheduled for September 4, 2008, at 10:30 A.M. On August 12, the Judge overseeing Part 1, the Honorable Richard Sullivan, issued an Order which, among other things, granted expedited discovery in advance of the hearing. We write Your Honor to respectfully request leave of the Court pursuant to Rule 30(b)(4) of the Federal Rules of Civil Procedure to take telephone depositions of out-of-state or remote third-party witnesses. Leave of the Court is needed for telephone depositions as the SEC has not been able to obtain the consent of the defendant Joseph Byers ("Byers"). No counsel has appeared on behalf of Byers in this matter, nor has Byers communicated with the SEC. Counsel for Joseph Shereshevsky ("Shereshevsky") has advised us he consents to telephone depositions and, as discussed below, seeks a further adjournment of the preliminary injunction hearing until either September 22 or 23, 2008. The five Defendant Entities are under the temporary receivership of Timothy Coleman, Esq. Mr. Coleman also consents to telephonic depositions in advance of a hearing of the September 4 hearing.

Given the proximity in time of the preliminary injunction hearing, and the fact that the parties and witnesses are dispersed in various parts of the United States, the SEC believes it is in the interest of all the parties and witnesses for the parties to conduct depositions telephonically. Defendant Shereshevsky is in custody in Virginia after being arrested on Monday, August 11, 2008, on the criminal complaint filed by the United States Attorney's Office for the SDNY. Defendant Byers was also arrested this past Monday is, upon information and belief, no longer in custody and located in Illinois, where he maintains a residence. Among the depositions that the SEC intends to take in the coming days are two non-party witnesses Nanette L. Wauchop and Patricia K. Singleton, who are employees of the United States General Services Administration ("GSA") and work, respectively, in GSA offices in Chicago, Illinois and Sunrise, Florida. The third witness, William Schorsch, is located in Lake Forest, Illinois. The declarations of all three of these witnesses were submitted to the Court on

August 11, 2008, in support of the SEC application for a TRO, asset freeze, appointment of a receiver, accountings, and other relief, all of which Judge Sullivan granted on August 11, 2008. If for purposes of the preliminary injunction hearing the Court were inclined to accept the same declarations as the means to consider these witnesses' direct testimony, then the telephonic depositions of these three witness would be unnecessary.

Very truly yours,



Alexander Vasilescu

CC:

By Electronic Mail

TIMOTHY COLEMAN

Receiver

By Electronic Mail (mart2aol.com)

Martin J. Siegel, Esq.

Attorney for Defendant JOSEPH SHERESHEVSKY

By Federal Express

Defendant JOSPEH BYERS pro se

Application
GRANTED.

SO ORDERED.



USPJ
8/14/08